

EXHIBIT B

GENERAL ORDER NUMBER: E-9 Page 1 of 4

Effective Date: 10-01-99 Revised 01/26/01

1/25/02

Action: Intake/Release-Classification

Subject: Searches

Related Orders: WCSO G.O.'s; 4-026.1/Standards of Conduct, 5-084.1/ Evidence and Property Management WCCF: C-Shake Downs-Searches, C-19/Contraband, C-37/Rules and Regulations for Inmates-Discipline, E-4/Secure Weapons

POLICY:

It shall be the policy of the Winnebago County Corrections Facility (WCCF) to maintain a safe and secure living and work environment for inmates and staff. Therefore, it becomes necessary to search inmates. Searches shall be performed in a manner to avoid unnecessary force, embarrassment, or indignity to the inmate.

DEFINITIONS:

WALK/PAT SEARCH - A hands on search of the persons body outside of the subjects clothing, to include the pockets, waist and crotch area.

STRIP SEARCH - A search that requires the removal of outer garments for a visual inspection search, i.e. coats, jackets, hats, shoes, and a frisk body search subsequent to the removal of the outer garments.

STRIP CAVITY SEARCH - The intrusion of the anal cavity or vaginal area either manually or via instrument inspection, in a search for contraband. Body cavity searches shall be done by medical personnel only on the reasonable belief that an inmate is carrying contraband or other prohibited material. Body cavity searches will only be conducted with approval of the Bureau Commander or his designee.

CONTRABAND - Items prohibited by law or facility rules; for which an inmate has no authorization to possess or items in possession of that which is authorized.

STRIP SEARCH - A search which requires an arrested person remove or arrange some or all of his/her clothing so as to permit a visual inspection of the genitals, buttocks, anus, female breasts or undergarments of such person.

PROCEDURE:

Anyone entering the Winnebago County Corrections Facility is subject to search, to include staff, visitors and prisoners.

All inmates, clothing, property, housing areas, and work assignments are subject to search at anytime.

All items of contraband discovered by a search shall be confiscated and secured for disposition.

Inmates found in possession of contraband will be subject to disciplinary action as prescribed in Policy C-37/Inmate Rules and Regulations, and/or appropriate criminal charges.

Visitors found in possession of contraband will be subject to suspension of visiting privileges and possible criminal charge

Staff found in possession of contraband will be subject to Sheriff's Office General Order 4-026.1/Standards of Conduct, or appropriate criminal charges, as determined by the Sheriff or his designee.

All areas of the Winnebago County Corrections Facility (WCCF) are subject to search at anytime.

Staff utilizing Facility property, i.e. desks and lockers, utilize these areas with the knowledge and understanding that the Facility reserves the right to, and intends to search those areas.

Staff are advised not to possess on their person or in areas listed in Section E-1 of this policy, any items construed as contraband.

Persons visiting inmates are subject to search within the secure perimeter of the Facility.

Visitors will be given access to storage lockers to store all personal items prior to entry to the Facility.

Professional visitors, i.e. attorneys, counselors, investigators will be required to comply with all rules concerning searches and access to the Facility.

Files and any enclosures may be inspected prior to or during access to the Facility.

Briefcases, purses, etc, must be placed into the provided lockers.

Police investigators are to secure all weapons in Facility gun lockers prior to entering the security perimeter.

Frisk/pat search of inmates may be conducted anytime an inmate is transferred from one point within the Facility to another when there is reason to believe the inmate may possess contraband on his/her person.

In the event a frisk/pat search by a member of the opposite sex is necessary, the search must be conducted with dignity and professionalism and the person being searched should not be touched anymore than is necessary.

Strip searches shall be conducted by a staff member of the same sex as the person being searched, unless special circumstances exist and/or with the Inmate Custody and Control Division Commander's approval.

Except as provided in the immediately following paragraph (I.2.), all persons booked into the WCCF, who will be housed in Facility in other than a temporary holding area, shall be strip searched prior to receiving the jail issued uniform and being placed into population.

No person arrested for a traffic, regulatory, or misdemeanor offense, except in cases involving weapons or a controlled substance, shall be strip searched unless there is reasonable belief that the individual is concealing a weapon or controlled substance. (This prohibition against strip searching does not apply, however, when the arrestee is being taken into custody by or remanded to the Sheriff pursuant to a court order, i.e. bench warrant, mittimus, warrant.)

Every officer conducting a strip search of a person arrested for a traffic, regulatory, or misdemeanor offense based on a reasonable belief that the individual is concealing a weapon or controlled substance shall:

Obtain verbal and/or written permission from the shift supervisor immediately.

Verbal permission shall always be followed with the written report of the strip search.

The Strip Search Form (COR-177) shall be utilized and will include the required written authorization, a recitation of the facts upon which the reasonable belief is based, the name of the person subjected to the search, the names of the persons conducting the search, and the time, date, and place of the search.

The identification officer will mark the inmate placement card in the appropriate place as to whether or not a strip search is to be conducted. This will ensure the Runner is aware that no strip search should be conducted on this individual.

GENERAL ORDER NUMBER: E-9 Page 4

The officer conducting the strip search shall perform the search with tact and diplomacy explaining each step to the inmate not to embarrass the inmate.

The search will be conducted in an area that cannot be observed by persons not conducting the search.

No search of any body cavity other than the mouth shall be conducted without a duly executed search warrant and the authorization of the Sheriff.

If a body cavity search is conducted, a written incident report shall be filed regarding the incident.

Any body cavity search will be conducted under sanitary conditions and conducted by a trained medical professional. The facility's contractual health care provider will not perform body cavity searches for the facility. Inmates must be transferred to appropriate medical facility for such a search.

If contraband is recovered, it will be handled in accordance with policy C-19 Contraband and/or WCSO 5-084.1/Evidence and Property Management.

Except as prohibited by paragraph I.2., inmates already in custody, are subject to strip search during discipline moves and routine shakedowns or whenever there is reasonable belief that an inmate has come in contact with contraband when supervised.

Inmate workers will be subject to strip searches as a condition of Trustee status and will be strip searched upon return from work detail outside the facility, or when any staff member has reasonable belief that an inmate worker is concealing contraband, or has come in contact with contraband.

Searches directed at solving a possible new crime are authorized only by the Inmate Custody and Control Division Commander or his Designee, while working with a law enforcement agency and under the guidance of the State's Attorney, unless immediate action is necessary.

. This policy shall be reviewed annually and up-dated as needed.

Sheriff Richard A. Meyers Dated